

In the Court of Appeals of the State of Alaska

George Carpenter,

Petitioner,

v.

State of Alaska,

Respondent.

Court of Appeals No. **A-13456**

Order

Petition for Review

Date of Notice: **7/17/2019**

Trial Court Case No. **3KN-19-00920CR**

Before: Allard, Chief Judge, Wollenberg, and Harbison, Judges.

George Charles Carpenter is charged with first-degree burglary, second-degree theft, and first-degree criminal trespass. At a bail hearing, the trial court approved Carpenter's parents as third-party custodians. The court also imposed, over Carpenter's objection, conditions of release that prohibited Carpenter from using alcohol or drugs and that required him to submit to alcohol and drug testing. Carpenter objected to these conditions on the ground that there was no nexus to the charged crimes. Carpenter pointed out that the prosecutor had produced no evidence that alcohol or drugs were involved in the charged offenses or that Carpenter had a history of substance abuse. The prosecutor conceded that there was no nexus.

The trial court nevertheless imposed these alcohol/drug and testing conditions based on a comment by Carpenter's mother. Carpenter's mother told the court that she was going to take Carpenter to AA and NA meetings because he associates with people who have issues with alcohol and drugs.

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Carpenter now petitions for review of the bail order, challenging the alcohol and drug conditions. The State has filed a notice of no response to the petition.

The petition for review is GRANTED. Because there was no established nexus between Carpenter's conduct and the challenged conditions of release, those conditions are VACATED.

Entered by direction of the court.

Clerk of the Appellate Courts



Kyle Roberts, Deputy Clerk

cc: Court of Appeals Judges
Central Staff
Magistrate Judge Fallon

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